

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SHARN CRAWFORD,

Civil No. 08-6190 JNE/AJB

Plaintiff,

v.

O R D E R

CORRECTIONAL MEDICAL SERVICES,
(CMS), DR. JIM KAUL, JOAN FABIAN, and
DR. DAN DUPRE, M.D.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated September 24, 2009, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Defendant Dr. Brad Dupre's motion for summary judgment, (Docket No. 37), is GRANTED;

2. Defendant Dr. James Kaul's and Defendant Commissioner Joan Fabian's motion to dismiss, pursuant to Fed. R. Civ. P. 12(b)(6), (Docket No. 30), is GRANTED;

3. The action is dismissed, without prejudice, as to Defendant Correctional Medical Services (CMS), for lack of service of process, unless Plaintiff files a timely objection to this Report and Recommendation, which shows good cause to extend the deadline for effecting service of process on Defendant Correctional Medical Services (CMS), in accordance with Fed. R. Civ. P. 4(m);

4. Plaintiff's pending "motion to amend," (Docket No. 49), is construed as a motion to supplement the evidentiary record in this case by including the exhibits submitted with the motion, (Docket No. 50), and as so construed, the motion should be GRANTED; and

5. This case is dismissed.

DATED: October 14, 2009.

s/ Joan N. Ericksen
Judge Joan N. Ericksen
U. S. District Court